

Remarks

Claims 1-18, 20-39, and 41 are pending and at issue in the present application. Claims 19 and 40 have been previously withdrawn.

Applicants traverse the rejection of claims 1-18 and 20-27 as anticipated by Follman et al. Applicants further traverse the rejection of claims 28-39 and 41 as anticipated by Turvey et al.

Claim 1, and claims 2-16 dependent thereon, specify a holding device having a first planar wall that includes a cutout portion providing a passage therethrough. The holding device further includes a second planar wall having a cutout portion that provides a passage therethrough and intersects the first wall at an angle less than 180 degrees. The cutout portions are operable to hold an object adjacent the first and second walls.

Claim 17, and claims 18 and 20-27 dependent thereon, specify a holding device for a thermoplastic lid having a first planar wall that includes a first cutout portion, providing a passage therethrough. The holding device further includes a second planar wall having a second cutout portion that provides a passage therethrough and intersects the first wall at an angle less than 180 degrees. Still further, the holding device includes at least one connecting portion extending perpendicularly from and connecting the first and second walls through the angle and at least one ridge extending perpendicularly from a rear side of one of the walls.

Claim 28, and claims 29-38 dependent thereon, specify a combination comprising a holding device for stacking thermoplastic container lids including first and second intersecting planar walls, wherein each of the walls includes a cutout portion, providing a passage therethrough. The combination further includes at least one thermoplastic lid disposed between the cutout portions of the walls of the holding device.

Claim 39, and claim 41 dependent thereon, specify a method of holding thermoplastic container lids including the step of providing a device for holding thermoplastic container lids, wherein the lids include first and second intersecting planar walls and each of the walls further includes a cutout portion, providing a passage therethrough. The method also includes the step of placing thermoplastic container lids between the cutout portions of the first and second walls.

None of the art discloses a holding device having a first planar wall that includes a first cutout portion and a second planar wall having a second cutout portion, wherein the cutout portions provide passages therethrough, as specified by claims 1-18 and 20-27.

Further, none of the art discloses a combination comprising a holding device for stacking thermoplastic container lids including first and second intersecting planar walls, wherein each of the walls includes a cutout portion providing a passage therethrough, as recited by claims 28-39 and 40.

In fact, Follman et al. discloses a holding device having a plurality of interconnecting support modules and an elongate fastener adapted to secure the support modules together. Each support module includes a pair of spaced-apart base members and an elongate beam extending between and connected to the base members. Follman et al. does not disclose a holding device having first and second planar walls.

Turvey et al. discloses a holding device for stacking container lids including first and second intersecting walls wherein each of the walls has a step shaped cutout portion. The holding device further includes at least one thermoplastic lid disposed between the cutout portions of the walls. The cutout portions of Turvey et al. comprise recesses within the first and second walls. The recesses are bound by the first and second walls and, therefore, do not provide passage therethrough.

Because the prior art does not disclose each of the elements recited by the claims at issue, it follows that such claims are not anticipated thereby.

Further, because neither Follman et al. nor Turvey et al. discloses or suggests that it would be desirable or even possible to provide a holding device having a first planar wall that includes a first cutout portion and a second planar wall having a second cutout portion, wherein the cutout portions provide passages therethrough, as specified by the claims at issue, it follows that the claims are not obvious thereover. The prior art must disclose at least a suggestion of an incentive for the claimed combination of elements in order for a *prima facie* case of obviousness to be established. See *In re Sernaker*, 217 U.S.P.Q. 1 (Fed. Cir. 1983) and *Ex Parte Clapp*, 227 U.S.P.Q. 972, 973 (Bd. Pat. App. 1985).

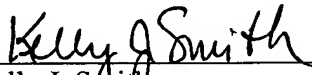
Appl. No. 10/609,174
Amdt. dated November 10, 2004
Reply to O.A. of August 12, 2004

For the foregoing reasons, reconsideration and withdrawal of the rejections of the claims at issue and reconsideration thereof are respectfully requested.

Respectfully submitted,

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Date: November 10, 2004

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